IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ALIGN TECHNOLOGY, INC.,

Plaintiff,

v.

CLEARCORRECT OPERATING, LLC, CLEARCORRECT HOLDINGS, INC., INSTITUT STRAUMANN AG, & STRAUMANN USA, LLC

Defendants.

CLEARCORRECT OPERATING, LLC, CLEARCORRECT HOLDINGS, INC., & STRAUMANN USA, LLC,

Counterclaim-Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Counterclaim-Defendant.

Case No. 6:24-cv-187-ADA-DTG

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF THEIR MOTION TO DISMISS UNDER 35 U.S.C. § 101

Defendants ClearCorrect Operating, LLC, ClearCorrect Holdings, Inc., and Straumann USA LLC (together, "ClearCorrect") respectfully submit this Notice of Supplemental Authority in support of their pending motion to dismiss certain of Plaintiff's asserted patent claims—specifically, claims of U.S. Patent Nos. 8,038,444, 10,456,217, 10,524,879, and 11,369,456 (the "Automated Treatment Planning" patents) and U.S. Patent No. 10,791,936 (the "Composite Image" patent)—because those claims are patent ineligible under 35 U.S.C. § 101. *See* Dkt. 31 at 14-20; Dkt. 74 at 6-10.

On June 12, 2025, the Federal Circuit issued its Opinion in *United Services Automobile Association v. PNC Bank N.A.*, No. 23-1639, which is attached as Exhibit A to this Notice. In the Opinion, the Federal Circuit found a claim to be invalid under § 101 because "the claim [wa]s drafted in a result-oriented fashion, without the requisite specificity needed to provide a nonabstract technological solution." Op. at 8. The court stated that "the claim merely recites a system … without providing *how* the system is configured." *Id.* at 8-9 (emphasis in original).

On June 12, 2025, the Federal Circuit issued its Opinion in *United Services Automobile Association v. PNC Bank N.A.*, No. 23-1778, which is attached as Exhibit B to this Notice. In the Opinion, the Federal Circuit found claims invalid under § 101:

> [T]he claims and the specification are silent as to specific software or technical advances …. There is no elaboration or specificity on how steps like "checking for errors" or "monitoring lighting" are performed—the patents just disclose that these steps happen and discuss them in a results-oriented manner.

Op. at 6.

On April 18, 2025, the Federal Circuit issued its Opinion in *Recentive Analytics, Inc. v. Fox Corp., et al.*, No. 23-2437, which is attached as Exhibit C to this Notice. In the Opinion, the Federal Circuit found claims invalid under § 101. The court explained that "the claimed methods are not rendered patent eligible by the fact that … they perform a task previously undertaken by humans with greater speed and efficiency than could previously be achieved." Op. at 15. "Whether the issue is raised at step one or step two, the increased speed and efficiency resulting from use of computers

(with no improved computer techniques) do not themselves create eligibility." *Id.*

The Federal Circuit's determinations in these opinions reinforce that the claims of the Automated Treatment Planning patents and the Composite Image patent are ineligible under 35 U.S.C. § 101.

Dated: June 30, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via ECF on June 30, 2025.

/s/ Melissa R. Smith
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